

**STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD**

IN THE MATTER OF

**TROOPER MICHAEL S. COKINS
I.D. # 6515**

**Illinois State Police Merit Board
Docket No. 18-01**

DECISION

THIS CAUSE comes before the Merit Board on a two-count *Complaint* filed by Leo P. Schmitz, Director of the Illinois State Police on March 15, 2018.

FINDINGS OF FACT

The Merit Board, having reviewed the charges filed and the *Joint Motion for a Decision of the Illinois State Police Merit Board* finds as follows:

The Merit Board finds Trooper Cokins guilty of violating the Department's Rules of Conduct (ROC) as alleged in Count I of the *Complaint*. Specifically, the Merit Board finds by a preponderance of the evidence that Trooper Cokins violated ROC-002, Paragraph III.A.47.a in that, on September 14, 2017, Trooper Cokins failed a random drug test, testing positive for cannabis with a THC level of 72 ng/ml, as a direct result of his use of cannabis. Trooper Cokins admitted to the use of cannabis to his commanding officer, authored a Memorandum to that effect on September 20, 2017, and admitted the same during an investigation conducted by the Department's Division of Internal Investigation.

The Merit Board finds the Department has not proven Trooper Cokins violated the Rules of Conduct as alleged in Count II of the *Complaint*.

CONSIDERATION OF MITIGATING AND AGGRAVATING FACTORS


In making its determination of the appropriate level of discipline, the Merit Board considered all mitigating and aggravating factors presented by Trooper Cokins and the Department, including, but not limited to, the following:

The parties submitted a *Joint Motion for a Decision of the Merit Board* providing a stipulated factual basis for the Merit Board to adopt and requested the Merit Board impose a suspension of one hundred twenty (120) days.

PENALTY

The entirety of the evidence presented shows a substantial shortcoming on the part of Trooper Cokins and constitutes cause for suspension. It is, therefore, the unanimous decision of the Merit Board to suspend Trooper Michael S. Cokins for a period of one hundred twenty (120) days. In the event Trooper Cokins has already served a period of suspension greater than herein prescribed, the Board orders that Trooper Cokins shall receive compensation for said time in accordance with section 150.680 of the Merit Board rules. Such compensation shall include interest at the rate of 7% per annum.

Dated this 16th day of April, 2019.



Reeve Waud, Chairman
State Police Merit Board, State of Illinois

RECEIVED

APR 15 2019

ILLINOIS STATE POLICE
MERIT BOARD

STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD

IN THE MATTER OF:
TROOPER MICHAEL S. COKINS
I.D. No. 6515
[REDACTED]

)
)
)
)
)
)
Illinois State Police Merit Board
Docket No. 18-01

**AMENDED JOINT MOTION FOR A DECISION OF
THE ILLINOIS STATE POLICE MERIT BOARD**

NOW COMES the PETITIONER, the DEPARTMENT OF THE ILLINOIS STATE POLICE, by and through Counsel, KWAME RAOUL, Attorney General for the State of Illinois, and the RESPONDENT, TROOPER MICHAEL S. COKINS, by and through Counsel, ROBERT ANDALMAN, ATTORNEY AT LAW, and set forth their Amended Joint Motion for a Decision of the Illinois State Police Merit Board in the above-captioned matter. In support of this Amended Joint Motion, the Parties state as follows:

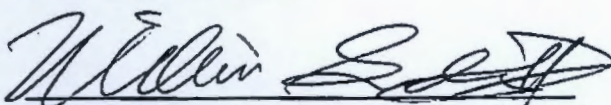
1. On March 15, 2018, Petitioner filed a Complaint against the Respondent with the Illinois State Police Merit Board in this matter, (ISPMB Docket 18-01), seeking the Merit Board to terminate Respondent from employment with the Petitioner as the Illinois State Police Merit Board deems warranted.
2. The Parties have resolved all differences and conflicts that led to the initiation of said Illinois State Police Merit Board case with respect to all charges.
3. Respondent admits that on September 14, 2017, he failed a random drug test, testing positive for cannabis, with a THC level of 72 ng/ml, as a direct result of his use of cannabis. Respondent admitted to the use of cannabis to his commanding officer, authored a Memorandum to that effect on September 20, 2017, and admitted the same during an investigation conducted by Petitioner's Division of Internal Investigation. Respondent

further admits that during the relevant times in the complaint, he did not have or possess a qualifying patient registry identification card for the medicinal use of cannabis in Illinois.

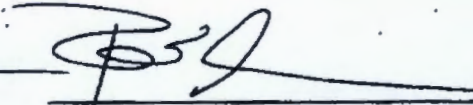
4. Respondent admits that his use of cannabis was in violation of the Illinois Cannabis Control Act, 720 ILCS 550/4, a violation of the Department's Zero-Tolerance Drug Policy as set forth in Department Directive PER-057 and the State Police Act, 20 ILCS 2610/12.5, and a violation of the Department's Directive ROC-002, Rules of Conduct, Para. III.A.47.a.
5. Respondent admits the allegations stated in Count I of the March 15, 2018 Complaint, ISPMB 18-01. Respondent admits that he unlawfully used and/or possessed cannabis and tested positive for cannabis in a random drug test administered by Petitioner, as alleged in Count I of the Complaint and that such action is in violation of Illinois law and the Department's Directives. The Parties agree that under ROC-002, Addendum 1, Discipline Schedule, such a violation constitutes an offense punishable by discipline up to termination.
6. The Parties agree that in consideration of the Respondent's admission of the violations alleged in the Complaint, and based upon the mitigating circumstances in this case, Respondent shall be suspended for one-hundred twenty days (120), having been already served.
7. In light of this agreed upon discipline, Petitioner agrees to not seek discipline for Count II of the Complaint and to dismiss the same.
8. This discipline renders any further proceedings unnecessary in the above-captioned matter currently pending before the Illinois State Police Merit Board, as that cause is now fully resolved between the Parties.

WHEREFORE, the Parties respectfully request that the Illinois State Police Merit Board issue a Decision approving the terms of this Motion, and for such further relief as the Board deems just and reasonable.

Respectfully submitted,



William Siders II, Assistant Attorney General
Attorney for Petitioner,
Brendan F. Kelly, Acting Director



Robert Andalman, Attorney at Law
Attorney for Respondent,
Trooper Michael S. Cokins

William Siders II, #63000864
Assistant Attorney General
Office of the Illinois Attorney General
General Law Bureau
500 South Second Street
Springfield, Illinois 62701
Phone: (217) 557-0261
Fax: (217) 524-5091
E-Mail: wsiders@atg.state.il.us
gls@atg.state.il.us

RECEIVED

APR 15 2019

ILLINOIS STATE POLICE
MERIT BOARD

**STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD**

IN THE MATTER OF:

**TROOPER MICHAEL S. COKINS
I.D. No. 6515
2240 Buckingham Avenue
Westchester, IL 60154**

**Illinois State Police Merit Board
Docket No. 18-01**

CERTIFICATE OF SERVICE

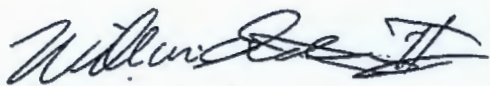
**William Siders II, Assistant Attorney General, herein certifies that he has served a copy
of the foregoing, Joint Motion for a Decision of the Illinois State Police Merit Board, upon:**

**Illinois State Police Merit Board
531 Sangamon Avenue East
Springfield, Illinois 62702
c/o Emily Fox, Program Administrator
Emily Fox <efox@ispmeritboard.org>**

**R. Mark Mifflin, Hearing Officer
c/o Giffin Winning Cohen & Bodewes
1 W Old State Capital Plaza, #600
Springfield, Illinois 62701
Mifflin, Mark <mmifflin@giffinwinning.com>**

**by mailing a true copy thereof at the address referred to above in an envelope duly addressed
bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on
April 15, 2019.**

**William Siders II, #63000864
Assistant Attorney General
Office of the Illinois Attorney General
General Law Bureau
500 South Second Street
Springfield, Illinois 62701
Phone: (217) 557-0261
Fax: (217) 524-5091
E-Mail: wsiders@atg.state.il.us, gls@atg.state.il.usj**


By: /s/ William Siders II
**William Siders II, #63000864
Assistant Attorney General**

STATE OF ILLINOIS
ILLINOIS STATE POLICE MERIT BOARD

RECEIVED

MAR 15 2018

**ILLINOIS STATE POLICE
MERIT BOARD**

IN THE MATTER OF:

TROOPER MICHAEL S. COKINS
I.D. No. 6515



)
)
)
)
)
)

Illinois State Police
Merit Board No. 18- 1

COMPLAINT

NOW COMES Leo P. Schmitz, Director of the Illinois State Police, pursuant to 20 ILCS 2610/14 and 80 Ill. Admin. Code § 150.575, and states as follows:

COUNT I

POSSESSION OR USE OF CANNABIS

1. Michael S. Cokins (Respondent) is employed as a State Police Officer by the Illinois State Police (Department). Respondent holds the rank of Trooper and has been employed by the Department since November 10, 2013. At all times relevant to this Complaint Respondent was assigned to the Division of Operations within District 15.
2. Respondent graduated from the Illinois State Police Academy on May 2, 2014, and was assigned to patrol duties in District 15 with a Field Training Officer. Respondent advanced to solo patrol on or about August of 2014.
3. On September 6, 2014, Respondent was working patrol on I-294 and made a traffic stop of a violator. While standing on the right shoulder of the interstate

at the violator's driver's side window, Respondent was struck by another vehicle driven by a drunk driver. Respondent was thrown over the violator's vehicle by the impact and landed on the pavement (hereinafter the "on-duty crash"). The drunk driver fled the scene. The crash was captured on Respondent's squad car camera, and the video footage was widely played on numerous major media outlets despite its graphic content.

4. Respondent was transported to the hospital in critical condition with head lacerations and multiple major fractures. Respondent endured numerous surgeries involving hardware implants and over 200 physical therapy sessions. On December 1, 2015, Respondent was able to return to work on light-duty and was temporarily assigned to investigative work while he remained in physical therapy. Respondent was able to resume full duty in the summer of 2016, and he returned to patrol duties.
5. Respondent was awarded the Department's Purple Heart and the Illinois Law Enforcement Medal of Honor due to the injuries he received from the on-duty crash of September 6, 2014.
6. On September 6, 2017, the three-year anniversary of Respondent's on-duty crash, Respondent took the day off for emotional reasons. Respondent was experiencing mental and emotional issues because of the on-duty crash, and he began drinking alcohol throughout the day. Respondent later found some cannabis in his garage and smoked it until he "pretty much smok[ed] myself to sleep."

7. On September 14, 2017, while on-duty working patrol Respondent was instructed to report to District 15 Headquarters. Upon arrival Respondent was advised he was selected for a random drug test. Respondent requested to speak with District 15 Captain Robert Meeder prior to reporting for the test. Respondent advised Captain Meeder he was having trouble coping as a result of his on-duty crash, and he was not sure he would pass the drug test. Respondent then voluntarily participated in the drug test.
8. Respondent was randomly selected, and his urine specimen was collected, handled, and tested in accordance with the Department's established drug testing procedures. Respondent's test result was a verified positive for cannabis (THC).
9. On September 19, 2017, Respondent was advised by the Department's drug testing Medical Review Officer (MRO) that he had tested positive for cannabis. Respondent immediately notified Captain Meeder.
10. On September 20, 2017, Respondent submitted a department memorandum in which he admitted smoking cannabis on September 6, 2017, and was subsequently advised he tested positive for cannabis. In his memorandum Respondent also stated he was experiencing physical and psychological issues as a result of his on-duty crash of September 6, 2014.
11. The Department maintains several programs administered by the Human Services Bureau which Respondent could have benefited from to address his medical and psychological issues, but Respondent did not avail himself of them. District 15 Command was not aware or advised that Respondent was having

issues coping after his return to full duty until he disclosed that fact to Captain Meeder on September 14, 2017.

12. On December 7, 2017, agents from the Department's Division of Internal Investigation (DII) conducted an administrative interview of Respondent in the presence of his attorney after giving Respondent notice of the allegations under investigation and his administrative rights. During his administrative interview, among other statements, Respondent stated as follows: that he was experiencing physical and mental issues from his on-duty crash; that he smoked cannabis on September 6, 2017, the three-year anniversary of his accident, after drinking alcohol due to being depressed; that he found the cannabis in his garage and "pretty much smoked myself to sleep"; that the last time he had smoked cannabis was in college; that he was aware of the Department's zero tolerance policy for illegal drug use; that his on-duty crash occurred less than a month after he was placed on solo patrol; that he broke 15 bones as a result of his on-duty crash, which required him to learn how to walk again on three (3) separate occasions during the course of his recovery; that he went back to work in 15 months; that he went back to patrol duties in 21 months; and that he has physically recovered only approximately 85% of his prior physical ability.
13. The Department has maintained a drug testing policy which includes random drug testing since 1992. The Department has enforced a zero tolerance drug policy since 2002. The Department's policy is set forth in Department Directive PER-057, Drug Testing and Awareness, a copy of which is attached and incorporated by reference. Said policy notifies all employees the Department

enforces a zero tolerance drug policy and that the Department will seek discharge for any employee who tests positive in accordance with established drug testing procedures for any substance prohibited by the Cannabis Control Act or other drug statutes.

14. Department Directive PER-057, Drug Testing and Awareness, provides that a drug test using a urine specimen will first be subject to an initial screen based on an immunoassay test with a cutoff level of 50 ng/ml for cannabis metabolites. If that initial screen is identified as positive then the specimen will be subject to a confirmatory test using a GC/MS technique with a cutoff level of 15 ng/ml for cannabis metabolites. If the confirmatory test is positive and the MRO determines there is no legitimate explanation for the positive result, the MRO will report the final result as a verified positive test.
15. The MRO's verified positive test result indicated Respondent's level for THC was 72 ng/ml. Respondent's drug test was reviewed by the Lab Director for the Department's drug test vendor; and in her opinion, a quantitative result of 72ng/ml for THC eight (8) days after ingestion indicated Respondent was either a habitual user of cannabis or he had ingested a very high amount of cannabis.
16. Respondent had the right to request a second analysis of his urine specimen at the Department's expense, but he did not do so. Respondent did provide the Department with the results of a hair test he voluntarily undertook at his expense through a private uncertified laboratory on October 14, 2017, which showed negative results.

17. Pursuant to Section 4 of the Cannabis Control Act, 720 ILCS 550/4, it is unlawful for any person to knowingly possess cannabis. Cannabis includes marijuana and other substances including cannabinal derivatives such as tetrahydrocannabinol (THC). See 720 ILCS 550/3(a).

18. Section 12.5 of the State Police Act provides in pertinent part:

“Zero tolerance drug policy. Any person employed by the Department of State Police who tests positive in accordance with established Departmental drug testing procedures for any substance prohibited by the Cannabis Control Act... shall be discharged from employment. Refusal to submit to a drug test, ordered in accordance with Departmental procedures, by any person employed by the Department shall be construed as a positive test, and the person shall be discharged from employment.” 20 ILCS 2610/12.5.

19. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.47.a., which states:

“Officers will not:

possess or use cannabis or any controlled substances, except when it is lawful to do so. When controlled substances are prescribed or other medication is being used, officers will notify their superior officer if the use will affect their job performance. A verified positive drug test obtained pursuant to Department directives will constitute prima facie evidence of a violation of this rule.”

(First Offense-Level 7 Misconduct, Up to Termination)

Respondent violated this rule in that he possessed and/or used cannabis on or about September 6, 2017, in that on September 14, 2017, he participated in a random drug test and tested positive for cannabis (THC), and he subsequently admitted smoking cannabis in his memorandum dated September 20, 2017, and in his administrative interview.

COUNT II

UNSATISFACTORY PERFORMANCE

FOR INABILITY TO PERFORM THE ESSENTIAL FUNCTIONS

OF THE POSITION OF TROOPER

- 1.-18. Paragraphs 1. through 18., inclusive, of Count I of the Complaint are adopted and incorporated by reference as Paragraphs 1. through 18., inclusive, of Count II as if fully set out herein.
19. Cannabis, referred to as marijuana under federal law, is a Schedule I controlled substance under the Federal Controlled Substances Act. As such it is a violation of law to possess it without a prescription. See 21 U.S.C. §812(c), Schedule I, (c)(10), and §844(a).
20. Pursuant to Section 922(g)(3) of the Federal Gun Control Act, 18 U.S.C. §922(g)(3), it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to possess or receive any firearm or ammunition which has been shipped in interstate commerce. Any firearm within the state of

Illinois has been shipped in interstate commerce if it was manufactured commercially.

21. Pursuant to federal regulation, a person is an unlawful user of or addicted to a controlled substance if such person is a current user of a controlled substance in a manner other than prescribed by a licensed physician. See Title 27, Code of Federal Regulations, Section 478.11. Current use is inferred from evidence of recent use or possession of a controlled substance that reasonably covers the present time, which is defined as the past period of one (1) year (365 days). Evidence of recent use or possession may be demonstrated by an admission of recent use or possession and/or a verified positive drug test.
22. Due to Respondent's admission to the use and possession of cannabis on September 6, 2017, and his verified positive drug test of September 14, 2017, Respondent is a current user or addict of cannabis under federal law and as such is prohibited from possessing any firearm or ammunition under federal law for a period of at least one (1) year from the date his urine specimen was collected.
23. Pursuant to the Illinois Criminal Code of 2012, it is unlawful for an individual person or a government such as the Department to sell or give any firearm to a narcotic addict. See 720 ILCS 5/2-15 and 24-3(A)(c). A violation of this provision is a Class 4 felony. 720 ILCS 24-3(C)(1).
24. Pursuant to the Illinois Firearm Owners Identification Card Act, any person who is addicted to narcotics or who is prohibited from acquiring or possessing firearms under federal law is not entitled to be issued a FOID card, or if the

- person has already been issued a FOID card, such card may be revoked. See 430 ILCS 65/8(d) and (n).
25. Respondent's FOID Card was revoked on September 20, 2017, due to his positive verified drug test and cannot be reinstated for at least one (1) year from the date his urine specimen was collected, which will be on September 14, 2018.
 26. A requirement for the position of Trooper within the Illinois State Police, among other requirements, is the ability to possess a firearm. This requirement is set forth within the Department's Position Description for the position of Trooper. Respondent is prohibited from possessing firearms and ammunition under federal and state law for at least one (1) year. As such, Respondent is unable to perform the essential functions of an Illinois State Trooper
 27. All or a portion of the facts set forth herein constitute Respondent's violation of Departmental Directive ROC-002, Rules of Conduct, Paragraph III.A.12., which states:

"Officers will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade or position; the failure to take appropriate action on the occasion of a crime,

disorder or other condition deserving police attention; the failure to successfully complete mandatory annual training requirements; or absence without leave. An isolated incident can be evidence of incompetency and/or unsatisfactory performance. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department."

Respondent violated this rule in that he is unable to perform the essential functions of an Illinois State Trooper because he cannot lawfully possess or carry a firearm. Respondent is therefore unable to properly perform his duties and cannot carry out the functions and objectives of the Department in any sworn capacity.

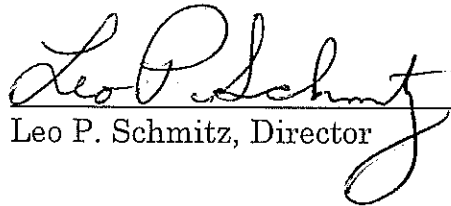
CERTIFICATION

A copy of Illinois State Police Department Directives PER-057, Drug Testing and Awareness, and ROC-002, Rules of Conduct, are provided in the incorporated attachment and are certified by the Director as accurate, complete, and in full force and effect at the time the aforementioned acts were committed.

CONCLUSION

WHEREFORE, by reason of these facts and charges, I request the Illinois State Police Merit Board conduct a hearing in this matter and terminate Respondent from employment with the Illinois State Police.

Respectfully submitted,


Leo P. Schmitz, Director

Illinois State Police
801 South Seventh Street, Suite 1100-S
Springfield, Illinois 62703